AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED
RICHARD W. NAGEL
CLERK OF COURT
2017 MAY -4 PM 3:51
U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

United States of America
v.
ANTONE GERRELL DORSEY

Defendant(s)

Case No. 3:17mj 203

AMENDED CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2/16/2017 and 3/13/2017 in the county of Montgomery in the Southern District of Ohio, the defendant(s) violated:

Code Section	*Offense Description*
21 U.S.C. Sections 841(a)(1) and (b)(1)(C)	knowingly and intentionally distributed a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance

This criminal complaint is based on these facts:

See Attached Affidavit

☑ Continued on the attached sheet.

[signature]
Complainant's signature

TFO Dustin Phillips, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 5-4-17

[signature]
Judge's signature

City and state: Dayton, Ohio

Sharon L. Ovington, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

Dustin J. Phillips, a Task Force Officer for the Federal Bureau of Investigation ("FBI") and City of Dayton Police Department officer (hereinafter referred to as the "affiant") being duly sworn, deposes as follows:

INTRODUCTION

1. Affiant is a Task Force Officer with the United States Federal Bureau of Investigation ("FBI") within the meaning of Title 21, United Stated Code ("U.S.C."), Section 878. That is, an officer of the United States who is empowered by law to conduct criminal investigations of and to make arrests for offenses as detailed in 21 U.S.C. § 878.

2. Your Affiant has been employed in law enforcement for the past nine years. I currently serve as an officer with the Dayton Police Department ("DPD"). Since January 2015, I have been assigned to the CIRGV Task Force, and in approximately June 2015, I became a Task Force Officer ("TFO") with the FBI Safe Streets Task Force. Since 2013, I have been dedicated to the investigation of narcotics, firearms and gang offenses. I have been involved in firearm-related arrests, executed search warrants that resulted in the seizure of narcotics and firearms, participated in undercover narcotics purchases, and supervised the activities of informants who have provided information and assistance resulting in narcotics purchases.

3. This affidavit is made in support of an application for a federal arrest warrant and complaint against **Antone Gerrell DORSEY ("DORSEY")** for two (2) counts of knowingly and intentionally distributing a mixture or substance containing a detectable amount of fentanyl, also known as N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

4. The facts in this affidavit are submitted for the purpose of establishing probable cause, and do not include every fact known to your Affiant.

FACTS

5. On February 16, 2017, DPD Detective Jason Rhodes and your Affiant, contacted phone number 513-309-2031 to arrange a drug purchase. We were recently given this number by a known fentanyl trafficker who claimed that this was the new number to contact to make purchases. Detective Rhodes tried this number which was not answered by the known trafficker, however a male did arrange for us to purchase drugs. After a series of several phone calls, we were directed to the intersection of Coulson Drive and Kimmel Lane in Dayton, Ohio, which is in the southern District of Ohio. As we approached the intersection, **DORSEY** was standing near the street. We drove next to him and I handed him $100 in exchange for 32 capsules of white powder. Detective Rhodes and I drove out of the area. However, several additional surveillance crews stayed and watched **DORSEY**, who was seen going inside 5123 Coulson Drive directly after selling to us. Approximately 20 minutes later, **DORSEY** was seen exiting the back door and performed what appeared to be another hand-to-hand drug transaction with a different vehicle that drove up and then

quickly left. As soon as the surveillance team saw this, they approached and attempted to make contact with **DORSEY**, however he was able to retreat into the house and shut the door behind him. Detectives forced entry into the house through the front door and eventually took **DORSEY** into custody. While clearing the house, Detectives located a small amount of white powder that appeared to be fentanyl, a small digital scale, and a bag of empty gelatin capsules. **DORSEY** was released due to suffering a minor injury during his arrest.

6. The drugs that we purchased as well as the drugs located inside the house were submitted to the Miami Valley Regional Crime Laboratory ("MVRCL") for analysis. The MVRCL confirmed that of the 32 capsules I purchased from **DORSEY**, 30 capsules contained of a mixture of Butyryl fentanyl, a Schedule I controlled substance, that is an analogue of fentanyl, also known as N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, a Schedule II controlled substance; Acrylfentanyl, a Schedule I controlled substance, that is an analogue of fentanyl; and Fentanyl. The remaining two capsules contained only Acrylfentanyl. The gel caps were found to weigh .87 grams in total. The MVRCL also confirmed that the baggie of white powder located inside the house contained .15 grams of Carfentanil, a Schedule II controlled substance, that is also an analog of fentanyl.

7. On March 13, 2017, Detective Rhodes contacted the same telephone number and arranged a purchase of drugs. We were directed to drive to the 1100 block of Harvard Boulevard and pull to the side of the road. This address is in Dayton, Ohio and in the Southern District of Ohio. A short time later, **DORSEY** drove next to our vehicle and handed Rhodes a clear baggie with approximately .8 grams of a white powder inside, in exchange for $100. **DORSEY** was driving a 2013 Volkswagen Passat with Ohio license HAR1419. This bag of suspected fentanyl was submitted to the MVRCL for analysis. The MVRCL confirmed that the powder mixture of Furanyl fentanyl, a Schedule I controlled substance, that is an analogue of fentanyl, also known as N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, a Schedule II controlled substance and Carfentanil, a Schedule II controlled substance, that is an analogue of fentanyl. The amount of the powder mixture was .8 grams.

8. On May 1, 2017, Dayton Police Officers Zach O'Diam and Mark Orick located **DORSEY** standing near 67 West Norman Avenue. They began surveillance on **DORSEY** and observed that **DORSEY** got into the driver seat of a black 2017 Dodge Charger with Florida plate 953LAR and began to drive away. Officers O'Diam and Orick attempted to make a traffic stop of **DORSEY**. However, **DORSEY** did not stop and fled in that vehicle at a high rate of speed. Officers made an arrest broadcast for **DORSEY** due to his actions. On May 2, 2017, I was made aware of that incident and began searching for the vehicle. I located the car, unoccupied and parked in the alley behind 1433 West Riverview Avenue. I requested several additional crews assist me in doing surveillance on the vehicle, with the belief that **DORSEY** was somewhere near. A short time later, **DORSEY** exited the back door of 1433 West Riverview Avenue and began walking toward the Charger. Detective Justin Saunders and I approached in an unmarked vehicle and exited the car to arrest **DORSEY** on his active arrest broadcast. Upon seeing Detective Saunders and I, who were both wearing black tactical vests with the word "POLICE" clearly marked in white, **DORSEY** began to flee on foot. **DORSEY** ran toward the front of the house and in doing so, discarded his cellular phone, an Apple iPhone, the keys to the Dodge Charger, and a

white cloth bag containing several rubber banded stacks of money. **DORSEY** was taken into custody after a short chase.

9. Once **DORSEY** was secured, several detectives began knocking on the front door of 1433 West Riverview Avenue in an attempt to make contact with anyone inside. I saw a female, (identified herein by the initials S.B.) look out the front window and immediately run back toward the interior of the house. S.B. answered the front door a short time later to speak with detectives. Due to **DORSEY** known drug trafficking history, and S.B.'s actions prior to opening the front door, detectives performed a protective sweep of the house to ensure there were no armed persons inside. Detectives observed a digital scale with a small amount of white residue on it in the main bedroom along with several torn off pieces of a black grocery bag. In the same bedroom, detectives looked in the closet, which was already open, and saw a loaded Glock pistol sitting on the top shelf. Detective Saunders spoke with S.B. about why we were at her house and she agreed to sign a consent to search for her house. A Dayton Evidence Crew was called to the scene to collect the firearm and the scale from inside the house. Detective Braun recovered the Dodge Charger keys that **DORSEY** threw in the front yard and inventoried the car which was to be towed for its use in a crime the night prior. Detective Braun located several rubber banded stacks of money in the glove box and a small amount of money in the trunk. There was also a box for a digital scale sitting inside the passenger compartment. All the money was recovered from the vehicle prior to it being towed.

10. Based on the above information provided herein, your Affiant believes that probable cause exists to conclude that on the dates referenced above, **DORSEY**, while in the Southern District of Ohio:

    a. knowingly and intentionally distributed a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C);

Dustin J. Phillips, Task Force Officer
Federal Bureau of Investigation,
CIRGV Task Force

Subscribed and sworn to before me this 4th day of May 2017.

Sharon L. Ovington
UNITED STATES MAGISTRATE JUDGE